

REMARKS

This responds to the Final Office Action mailed March 17, 2008. Claims 1, 3, 4-7, 23, 24, 26, and 27 have been amended and claims 2, 8-22, and 25 have been canceled. Claims 28-30 have been added. Applicants assert that no new matter is presented by these claims and believe that the newly added claims are patentable in view of the cited art. As a result, claims 1, 3, 4-7, 23-24, and 26-30 are now pending in this application. Applicants respectfully request reconsideration of the application in view of the above amendments and the following remarks in support thereof.

Response to the Examiner's Denial of the Priority Claimed to the Provisional Application

Applicants again respectfully submit that there is no indication in the Final Office Action that the denial of priority is of relevance regarding the particular rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) included in the Final Office Action. Therefore, Applicants continue to respectfully reserve the right to challenge Examiner's denial of the present application's claim of priority to the provisional application.

§102 Rejection of the Claims

Pending claims 23, 24, and 26 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Matthews (U.S. Patent No. 5,600,368). As will be fully explained below, Applicants respectfully assert that Matthews fails to identically disclose each and every feature recited in amended independent claim 23.

Although the Applicants believe that the original pending claims are defined over the art of record, the Applicants have amended independent claim 23 to clarify that “the predetermined criteria includes a number of the one or more requests for each of said plurality of versions.” As such, amended independent claim 23 recites, in part, a broadcast system configured to “broadcast at least one available version of said plurality of available versions of said program if said one or more requests meets said predetermined criteria,” “wherein said predetermined criteria includes a number of the one or more requests for each of said plurality of versions.”

In support of the 35 U.S.C. §102(b) rejections, the Examiner asserts that Matthews discloses a decision to broadcast based on a “request for viewing a particular angle – do I have a camera/video corresponding to the requested angle provided to this prescriber” (Final Office Action mailed on 3/17/2008 at page 6). In contrast, amended independent claim 23 recites broadcasting if a predetermined criteria is met. This predetermined criteria includes “a number of the one or more requests for each of said plurality of versions.” Since Matthews discloses a decision based on a request for a particular type of camera viewpoint, Matthews cannot reasonably be considered to disclose broadcasting if a predetermined criteria is met, that “includes a number of the one or more requests for each of said plurality of versions,” as recited in amended independent claim 23.

For the reasons set forth above, Matthews does not disclose each and every feature of the claimed invention. Accordingly, amended independent claim 23 is patentable over Matthews. Claims 24 and 26, each of which depends amended independent claim 23, are likewise patentable under U.S.C. §102(b) over Matthews for at least the same reasons set forth above regarding amended independent claim 23. Accordingly, it is respectfully submitted that, in view of the above remarks and amendments, the anticipation rejections of claims 23, 24, and 26 should be withdrawn.

§103 Rejection of the Claims

Claims 1 and 3-5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Matthews in view of Kahn (U.S. Patent No. 7,100,184). Claims 6 and 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Matthews in view of Kahn and U.S. Publication No. 2002/0007493 to Butler et al. (hereinafter “Butler”). As will be fully explained below, Matthews, Kahn, and Butler do not teach the subject matter for which they are relied upon, and further amended independent claims 1 and 3 and all dependent claims are not obvious over Matthews in view of Kahn and Butler.

Although the Applicants believe that the original pending claims are defined over the art of record, the Applicants had amended independent claim 1 to clarify that “a decision to broadcast said at least one version of said plurality of versions of said program [is] based upon a frequency of said one or more requests received from at least one of said viewers.” Similarly,

independent claim 3 has been amended to clarify that “a decision to broadcast one version of said plurality of versions of said program [is] based upon a number of said received requests.”

As discussed above, Matthews discloses requests for different camera viewpoints (col. 7, lines 44-54). Amended independent claim 1 recites a decision “based upon a frequency of said one or more requests” and not on the request for a particular camera viewpoint. Similarly, amended independent claim 3 recites a decision based on “a number of said received requests.” Accordingly, Matthews does not teach and therefore does not suggest to one having ordinary skill in the art a decision to broadcast based upon a frequency or a number of received requests, as recited in amended independent claims 1 and 3.

As Matthews fail to teach every feature of the claimed invention, Applicants respectfully submit that amended independent claims 1 and 3 are not obvious over Matthews, Kahn, and Butler. Claims 4-7, each of which depends from either amended independent claim 1 or claim 3, are patentable under 35 U.S.C. § 103(a) over Matthews, Kahn, and Butler for the reasons set forth above. As a result, the Applicants respectfully request the Examiner to withdraw the 35 U.S.C. § 103(a) objections for claims 1 and 3-7.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney 408-278-4041 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 6/17/2008

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 17 day of June 2008.

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